

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Show Cause Proceedings	)	DOCKET NO. 890685-WS
against GROVELAND DEVELOPMENT,	)	ORDER NO. 21445
INC., in Pasco County for failure	)	ISSUED: 6-26-89
to comply with 1987 annual report	)	
requirements	)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
 THOMAS M. BEARD  
 BETTY EASLEY  
 GERALD L. GUNTER  
 JOHN T. HERNDON

ORDER TO WAIVE FINE AND CLOSE DOCKET

BY THE COMMISSION:

Groveland Development, Inc., ("Groveland"), a Class C utility, did not timely file a complete 1987 annual report as required by Rule 25-30.110, Florida Administrative Code. Rule 25-30.110, Florida Administrative Code, requires utilities subject to the Commission's jurisdiction as of December 31st each year to file an annual report on or before March 31st of the following year. Requests for extension must be in writing and must be filed before March 31. One extension of 30 days is automatically granted. Longer extensions may be granted upon showing of good cause. Incomplete or incorrect reports are considered delinquent, with a 30 day grace period in which to supply the missing information.

Pursuant to Rule 25-30.110(6)(c), Florida Administrative Code, any utility that fails to timely file a complete annual report is subject to penalties absent demonstration of good cause for noncompliance. The penalty set out in Rule 25-30.110(7), Florida Administrative Code, for Class C utilities is \$3.00 per day. The penalty calculation is based on the number of days elapsed since March 31, or the approved extension date and the actual date of filing. The date of filing is included in computing the number of days elapsed. The Commission may, pursuant to Rule 25-30.110(6)(c), Florida Administrative Code, impose lesser or greater penalties.

Groveland operated a utility system subject to this Commission's jurisdiction as of December 31, 1987. On request, an automatic extension of time for filing its 1987 annual report was granted to Groveland through April 30, 1988. The report was filed on May 27, 1988.

On July 28, 1988, a letter was sent and received by certified mail, notifying Groveland of Staff's intention to recommend that the Commission issue an order directing the utility to show cause why it should not be fined for failure to timely file its 1987 annual report. The letter stated that the fine set by Rule 25.30.110(7), Florida Administrative Code, would be \$81 (27 days x \$3 per day). Groveland has not responded to the July 28, 1988 letter.

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Also, Docket No. 880921-SU was opened to initiate show cause proceedings against Groveland for late filing its 1986 annual report. By Order No. 19723, we waived all fines for the 1986 annual report in view of the severe health problems experienced by the President and owner of the utility. A letter from the owner's doctor indicates that these health problems commenced in May 1987 and that his patient may no longer continue to work. The utility's transfer to Mad Hatter Utilities was approved by Commission Order No. 20259, issued November 14, 1988.

Based on the foregoing, it appears that Groveland has failed to comply with the 1987 annual report requirements and is in violation of Rule 25-30.110, Florida Administrative Code. However, in view of the severe health problems experienced by Groveland's owner, and the fact that the utility has been transferred, we find it appropriate to waive the \$81 fine against Groveland for failure to timely file its 1987 annual report and close this docket.

Wherefore, in consideration of the foregoing, it is:

ORDERED by the Florida Public Service Commission that the \$81 fine established by application of Rule 25-30.110(7), Florida Administrative Code, against Groveland Development, Inc., for the failure to file a 1987 annual report is hereby waived. It is further

ORDERED that Docket No. 890685-WS is hereby closed.

By ORDER of the Florida Public Service Commission,  
 this 26th day of JUNE, 1989.

  
 STEVE TRIBBLE, Director  
 Division of Records and Reporting

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all

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requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.